

16 April, 2103.

Mr J Roseth, Chair
Joint Regional Planning Panel
Sydney East Regional Panel

By Email jrppenquiry@jrpp.nsw.gov.au

Dear Mr Roseth and Panel Members

79-91 MACPHERSON STREET, WARRIEWOOD (DA 353/12, 2013SYE001)

We are pleased to see that some of the conditions we sought to be amended have been agreed to by Pittwater Council in their email dated 15 April 2013, which I have attached for your consideration.

We remain concerned that proposed Condition C9(a) still requires us to comply with flood storage above that required by the PAC by having to comply with the Pittwater DCP21. The condition states that plans are to be submitted ensuring that no additional adverse flood impacts on surrounding properties or flood processes up to the PMF.

The approval from the PAC, using Council's modelling at the time, was based on the 1 in 100 year flood event for the entire site, which has now been completed on site for Stage 1. We cannot simply go back and provide further flood storage based on higher flood modelling that is based on some future climate change forecast that may or may not happen. As mentioned in our previous correspondence we have already amended our plans to raise the floor levels of the development above the Probable Maximum Flood event with amended plans that are now is before the JRPP.

All that we are seeking is to remain compliant with the flood processes that were approved by the PAC when consent was given for the entire site, to which is now constructed on site in relation to flood management.

In this regard, Condition C9(a) should only require compliance with the Concept Approval, and the Brown Consulting reports (March 2013).

We therefore request that Condition C9(a) be worded as follows.

"(a) An updated Water Management Report and updated Civil and Infrastructure drawings are to be comply with the submitted ensuring no additional adverse flood impacts on surrounding properties or flooding processes up to the Probable Maximum Flood event and providing additional detailed designs, plans, specifications for all works to achieve full compliance with the Warriewood Valley Water Management Specification February 2001 (WMS 2001) and the Pittwater 21 Development Control Plan, and, based on Brown Consulting – Brown Consulting Report – Stormwater and Environmental Management Plan – Buffer Area 3 – Warriewood Valley Stage 2, 14-18 Boondah Road, Warriewood (March 2013) and Concept Plan Approval as modified."

This wording of the condition is consistent with the flood regime at the time the Concept Plan and Stage 1 Major Project Application was approved.

Council continues to require landscape plans that are of the detail expected for a construction certificate, and want all details prior to any works commencing on site by way of having a deferred commencement condition. There is nothing in proposed deferred commencement condition that requires a change to the design of the buildings. We are happy to undertake the required landscape documentation, subject to being approved prior to commencement of above ground works. We are of the opinion that serious delays to commencing on site will occur while the landscape plans are amended to a detail acceptable to Council. Fruition of such delays has already been experienced by Council wanting excessive documentation as shown in a recent email, which I have attached for your review.

Lastly, Council remains opposed to amending the heading of Part C to the inserting the word "relevant construction certificate". Council are of the opinion in their email of the 15 April that we want to stage construction. We do not seek to stage construction. The amendment to the wording to the Heading of Part C as per our letter to the JRPP and Council will allow us to stage documentation, not construction.

Without these changes to the consent, the site will remain idle for months whilst documentation is prepared that does not rely on changes to the building footprint or design as approved by the Planning and Assessment Commission.

Yours faithfully
MERITON GROUP



Walter Gordon
Manager Planning and Development

Antonietta Dominello

From: steve_evans@pittwater.nsw.gov.au
Sent: Monday, 15 April 2013 3:57 PM
To: Antonietta Dominello
Cc: jrppenquiry@jrpp.nsw.gov.au; Bob_Grace/Pittwater_Council@pittwater.nsw.gov.au; Jacqueline_Townsend/Pittwater_Council@pittwater.nsw.gov.au; Mark_J_Ferguson/Pittwater_Council@pittwater.nsw.gov.au; Chris Hunt; Alex_McTaggart/Pittwater_Council@pittwater.nsw.gov.au; Ian_White/Pittwater_Council@pittwater.nsw.gov.au; Kay_Millar@pittwater.nsw.gov.au; Sue_Young/Pittwater_Council@pittwater.nsw.gov.au; Julie_Hegarty/Pittwater_Council@pittwater.nsw.gov.au; Andrew_Pigott@pittwater.nsw.gov.au; Liza_Cordoba@pittwater.nsw.gov.au; Tija_Stagni/Pittwater_Council@pittwater.nsw.gov.au; Gordon_Edgar@pittwater.nsw.gov.au; Chris Hunt; Jennifer_Pang@pittwater.nsw.gov.au
Subject: Amended draft Conditions of consent-2013 SYE001-79-91 MacPherson Street Warriewood-Meriton development

Mr Gordon.

I refer to your letters dated 9 April and 15 April 2013 raising issues with the Draft development consent referred to the Joint Regional Planning Panel on 5 April 2013.

I will refer this email to the JRPP secretary for consideration by the JRPP at the meeting on 17 April 2013.

I understand that you forwarded your letters to the JRPP already.

**Please also note that there was a typographical error in condition E 18 relating to developer contributions that is attended to below as well.

In relation to these issues within your letters I advise:-

1) Deferred Commencement Consent condition 1 relating to PMF Flood Storage

Council agrees that PMF flood storage matters can be achieved through amendment to conditions B11, C9 and C10. :-

Delete Deferred Commencement condition (1) and

Amend Condition B11 to read :-

Flood Storage [and Flood Impacts](#)

The post development flood storage commitments reported in the [amended Water Management Report required by Condition C9, based on the](#) Water Management Report (Stormwater and Environmental Management Plan – Buffer Area 3 – Warriewood Valley Stage 2 - 14-18 Boondah Road, Warriewood March 2013 Brown Consulting, Report No. X08066.01_01E) ~~that forms part of the consent~~, are to be maintained for the life of the development.

and

Amend conditions C(9) and C(10) to read:

C(9) Water Management Report

(a) An updated Water Management Report and updated Civil and Infrastructure drawings are to be submitted ensuring no additional adverse flood impacts on surrounding properties or flooding processes up to the Probable Maximum Flood event and providing additional detailed designs, plans, specifications for all works to achieve full compliance with the Warriewood Valley Water Management Specification February 2001 (WMS 2001) and the Pittwater 21 Development Control Plan, and, based on Brown Consulting – Brown Consulting Report – Stormwater and Environmental Management Plan – Buffer Area 3 – Warriewood Valley Stage 2, 14-18 Boondah Road, Warriewood (March 2013).

C(10) Water Management System

(a) The detailed engineering design, construction plans and specifications for the water management system are to be in accordance with the updated Water Management Report required by Condition C9. The water management system is to include the design for:

2) Deferred Commencement Condition 2 relating to Landscaping

Council does not agree that this Deferred Commencement condition 2 be moved to a condition of consent . This Deferred Commencement Condition should be renumbered (1)

Council agrees that Part 2 (c) of the Deferred Commencement condition be amended to read:-

" The shared Pedestrian/cycle path for Stage 2 is to be detailed in accordance with the Concept Approval Modification 3 plan number AOO 2 issue 1 dated November 2012"

3) Council does not agree that condition A6 relating to hours of work be amended .

4) Council does not agree that Section' C' of the Consent be amended as no staging schedule was submitted with the Development Application.

5) Council does not agree that condition C1(c) be amended.

6) Council agrees that condition D 19 relating to road works be amended:-

"All construction in the public road reserve must be undertaken by a qualified contractor and must be in accordance with Council's s139 Approval under s138 of the Roads Act"

** Also Please note that there is a typographical error in condition E 18 Developer Contributions .

It should read :-

" a Consistent with the Concept Approval ,the following is to be made for the provision of public infrastructure and services in respect of Stage 2 prior to the issue of the final occupation certificate for Stage 2 works:
i A total cash contribution of \$5,208,209.00 (subject to c below):...."

Regards,

Steve Evans

Director Environmental Planning & Community
Phone: (02) 9970 1133



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Antonietta Dominello

From: Mike Phillips <mphillips@siteimagemelbourne.com.au>
Sent: Tuesday, 16 April 2013 12:37 PM
To: Walter Gordon
Subject: Fwd: Boondah Road. Landscape. Deferred Conditions of Commencement.
Attachments: mime-attachment.jpg; mime-attachment.jpg; mime-attachment.gif; mime-attachment.jpg; mime-attachment.jpg; mime-attachment.jpg

Hi Walter

See below from Gordon as just discussed. I'm NSC on the office in an hour or so and will provide comment in response.

Thanks Mike

Sent from my iPhone

Begin forwarded message:

From: <Gordon_Edgar@pittwater.nsw.gov.au>
Date: 16 April 2013 11:55:44 AM AEST
To: Mike Phillips <mphillips@siteimagemelbourne.com.au>
Cc: <Liza_Cordoba@pittwater.nsw.gov.au>, <Tija_Stagni@pittwater.nsw.gov.au>, <matthew_edmonds@pittwater.nsw.gov.au>, <steve_evans@pittwater.nsw.gov.au>
Subject: Re: Boondah Road. Landscape. Deferred Conditions of Commencement.

Hi Michael, my comments to the plans you have emailed are as follows.

Stage 2 Planting Density Preliminary

No "typical" plans are to be submitted.

All landscape plans showing the streetscape presentation of landscaping are to be actual and it is advised that it would be best, for the purposes of avoiding confusion should there be separate CC's for each building, that there be a landscape plan for the surrounds of each individual building. These plans could then define what landscaping will be associated with each building.

What about extra canopy trees on the turfed areas?

The scale of the planting needs to be increased in density and height where possible to match the scale and height of the buildings.

Some form of visual representation of the resultant streetscape appearance of buildings and landscaping at maturity is needed to demonstrate that filtered views of buildings through canopy trees is achieved - from the point of view of the observer on the footpath.

The plan is still indistinct in terms of clearly defining hard paved and deep planted areas.

What are the tree species being planted in the road frontage and what are their pot sizes?

Tree plantings are to be supported with an arborist report stating that the deep soil provided, growing area and separation is adequate to allow all tree plantings proposed to reach maturity.

A larger scale would be of assistance.

No tree symbols on the plan should be unidentified in terms of the species to be planted.

What about the fencing required along the side boundary with 5 Macpherson Street?

All of the above comments relate to the deferred commencement conditions.

Plant Schedule

What are the acceptable planting densities for each species?

What quantities? Is it necessary to have separate planting schedules for each building if separate CC's are going to be sought? No staging plan was ever submitted with the DA so there is going to be

confusion over what landscaping is to be carried out in association with each building unless separate landscape plans and planting schedules for each building are submitted.

LA-ST2-101 & LA ST2-102

I'm afraid that these deep soil profile plans are useless. They tell us nothing we don't already know and do not properly respond to Condition 2H. I suggest you read the entire condition. Moreover, they are wildly inaccurate and indicate driveways, parking areas and footpaths as deep soil.

I suggest you ask yourself how do these plans provide demonstration of what is asked for in Condition 2h. What tree planting exactly is proposed and where? What deep soil requirements, growing space requirements (ie distance from other trees and buildings) do the species and numbers proposed need? Are these needs accommodated in the deep soil areas at the locations where the canopy trees (in particular) are proposed to be planted?

Please note in regard to Condition 2f, will the proposed planting be in scale with the buildings at maturity? If possible, higher than a 4m maximum mature height would be preferable for tree plantings in front of buildings in turfed areas and elsewhere in order to achieve similar scale to 3 storey buildings. Can you get larger trees in the turfed areas, based on the space and deep soil available? Pathways and other hard surfaces should be clearly shown and not counted as deep soil.

What we want from a fundamental point of view is landscaping that survives to maturity and, at maturity, is as close to being in scale with the buildings as is possible (with long term survival to maturity being the prime factor). The deep soil areas in the front setback and road reservations will limit what you can do, do your best to maximise the scale of the canopy trees and planting densities without sacrificing long term survival.

I know we have said we want greater planting densities but please do not propose planting densities that are not feasible.

All of the landscaping conditions are linked but 2h is the qualifier that says you need to do all of the above but only to the extent that you can demonstrate that what you propose will survive to maturity. The exception would be the number and pot size of Angophoras because that requirement is so specific in the Concept Approval. You may find you need more deep soil area and better spacing for these trees to survive but you must demonstrate they will survive. In this regard, the arborist report attached to Walter Gordon's email earlier this week is not sufficient as it relies on planting densities of 1 per 15sqm for the Angophoras and seems to have misinterpreted the plans by assuming the evergreen trees in the turfed areas are the Angophoras when the Angophoras are (we believe but not clear) in the smaller street planter areas with smaller looking trees all bunched together and not at 1 per 15sqm spacing. This confusion is why we want better plans. It is not acceptable.

PLEASE NOTE: No staging plans were submitted with the DA so, at this point, the draft consent does not properly reflect a staging of the CC's building by building. We can only base the draft consent on what the Applicant has submitted to date. If staging the CC's is what Meriton intends to do then any information submitted from hereon - including new landscape plans, should properly reflect how this staging is to occur and what landscaping is to occur with each separate building or group of buildings if they form an intended stage to be covered by one CC.

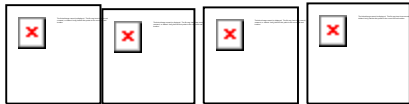
One other final comment, it is noted that some of the plans submitted only show detail within the Site boundaries. This is not acceptable as the proposed tree plantings in the street are a vital part of the streetscape landscape treatment. They must be shown along with the planter beds they are to be located and a clear delineation between hard paved footpaths and deep soil planter beds. Are these planter beds adequate in width and area to allow the successful establishment of 200litre pot size Angophoras to survive to maturity? This is what Condition 2H is asking. Do some of these larger trees need to be relocated into the turfed areas to ensure their survival?

Regards
Gordon

Gordon Edgar
Executive Planner
Phone: (02) 9970 1229



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Please consider the environment before printing this email.

From: Mike Phillips <mphillips@siteimagemelbourne.com.au>
To: "Gordon_Edgar@pittwater.nsw.gov.au" <Gordon_Edgar@pittwater.nsw.gov.au>, "Tija_Stagni@pittwater.nsw.gov.au" <Tija_Stagni@pittwater.nsw.gov.au>
Cc: "walterg@meriton.com.au" <walterg@meriton.com.au>
Date: 15/04/2013 12:11 PM
Subject: Boondah Road. Landscape. Deferred Conditions of Commencement.

Hi Gordon and Tija

Please find attached a number of items for your review and feedback/direction, as discussed at last Wednesday's meeting. A summary of these items include:

130412 Stage 2 Planting Design Preliminary.

Typical sketch plan illustrating strategy proposed for planting to Boondah Road and McPherson Street frontages.

Plant Schedule- Boondah Road Stage 2.

Proposed Schedule of planting to be utilised. This schedule addresses the specific points listed in the deferred commencement conditions which includes:

- 2c. Utilise 400L Angophora costata to the Boondah Road Streetscape
Utilise 400L Livistona australis to the Boondah Road Entry Statement.
- 2e. 11 Eucalypt species with a minimum pot size of 400L (Angophora costata and/or Eucalyptus robusta).
- 2g. Screen species to be taken from the Warriewood Valley Landscape Masterplan and to have mature heights of 2-4.0M.

LA-ST2-101 & LA-ST2-102.

Illustrating, in part, to address of deferred commencement condition 2H.

If you had a chance to let us know your thoughts that would be appreciated.

regards Mike

Michael Phillips
Director

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